

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 17, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Robin Hendricksen, Deputy County Assessor
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 10, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Workman seconded approval of the Board of Equalization minutes dated August 10, 1999. On call Campbell, Heier, Workman and Steinman voted aye. Hudkins was present but not voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 28 additions and deductions to the tax assessment rolls per Exhibit "A". (19991559)

MOTION: Workman moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. On call Heier, Campbell, Steinman and Workman voted aye. Hudkins present but not voting. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

All Nations Church of The Lord Jesus Christ
Goodwill Industries Serving Southeast, Nebraska

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for All Nations Church of The Lord Jesus Christ and Goodwill Industries Serving Southeast Nebraska. On call Steinman, Workman, Heier and Campbell voted aye. Hudkins was present but not voting. Motion carried.

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, August 31, 1999 at 2:30 p.m. in the County Commissioners Chambers on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for Stephen M and Lisa Ann Morock.

By direction of the Chair, a public hearing was set for Tuesday, August 31, 1999 at 2:30 p.m. in the Commissioners Chambers for notice of valuation change for omitted or undervalued property for Stephen and Lisa Ann Morock.

The Chair recessed the Board of Equalization meeting until 2:23 p.m. when it was reconvened.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

D D & S Family Investment LLP

Campbell declared a conflict of interest.

Robin Hendricksen, Deputy County Assessor, recommended the appraised value be set at \$181,922 and the assessed value be set at \$34,594.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and set the appraised value at \$181,922 and the assessed value at \$34,594 for D D & S Family Investment LLP. On call Hudkins, Steinman, Workman and Heier voted aye. Campbell abstained. Motion carried.

Christine Behrends Emerson

Hendricksen recommended the appraised value be set at \$79,750 and the assessed value be set at \$67,321.

MOTION: Steinman moved and Hudkins seconded to accept the Assessor's recommendation and set the appraised value at \$79,750 and the assessed value at \$67,321 for Christine Behrends Emerson. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Ivan & Janis Walvoord

Hendricksen recommended the appraised value be set at \$227,496 and the assessed value be set at \$150,724.

MOTION: Steinman moved and Hudkins seconded to accept the Assessor's recommendation and set the appraised value a \$227,496 and the assessed value at \$150,724. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

6) **APPEAL FILED ON A HOMESTEAD EXEMPTION FOR GERALDINE BARTLETT:**

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and extend the deadline for filing a homestead exemption by 20 days for Geraldine Bartlett. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

7) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 10, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Workman seconded approval of the Board of Commissioners minutes dated August 10, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, August 17, 1999.**

MOTION: Steinman moved and Heier seconded approval of the claims processed through August 17, 1999. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

The Oath of Office was administered to Dave Shively as the Lancaster County Election Commissioner by Lancaster County Clerk, Bruce Medcalf.

- 4) **NEW BUSINESS:**

A. A contract with the Village of Hallam for law enforcement services through the Lancaster County Sheriff's Office, beginning September 1, 1999 and ending August 31, 2000. One deputy shall be assigned and Hallam will pay at an overtime rate per hour to the County, plus 34 cents per mile for wear and tear to County vehicles. (19991546)

Terry Wagner, County Sheriff, explained the contract with Hallam is on an as needed basis.

MOTION: Steinman moved and Hudkins seconded approval of a contract with the Village of Hallam for law enforcement services through the Lancaster County Sheriff's Office, beginning September 1, 1999 and ending August 31, 2000. One deputy shall be assigned and Hallam will pay at an overtime rate per hour to the County, plus 34 cents per mile for wear and tear to County vehicles. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

B. A temporary license agreement with World Wide Fiber (WWF) of Des Moines, Iowa for installation of fiber optic cable on or across County rights-of-way beginning at the Seward County line on the west boundary in Lancaster County, on Waverly Road to continue west to 148th Street then south on 148th Street to Highway 6. The agreement will be effective for a period of one year from date of execution. (19991562)

MOTION: Steinman moved and Workman seconded approval.

Heier asked if the County receives any type of payment.

Hudkins stated he understood that the County can't charge, however, an occupational tax can be assessed. He asked if such a tax was being assessed.

Dave Johnson, Deputy County Attorney, stated there are no fees charged, however, the company would be responsible for repairing any damages incurred as set forth by State Statute. He stated they are currently working on fees and taxes which will be assessed in the future.

Hudkins said he attended a workshop regarding counties assessing companies an occupational tax for installing fiber optic cable on county rights-of-way. He stated he is concerned that it will be a hardship in the future for engineering departments to maintain and clean ditches which have fiber optic cable installed.

Hudkins asked if there was a possibility to approve the agreement for a shorter length of time or if it could be deferred to allow for further review.

Steinman stated it was her understanding that there have been judicial decisions made in Maryland which indicate counties don't have a right to assess a tax.

Heier asked if they could approve the agreement subject to certain conditions rather than defer it.

Johnson stated he could add a clause to the agreement regarding any substantial changes, however, the agreement doesn't deal with any particulars in regards to what they are doing.

Hudkins stated that the cost for use of operation or an incidental tax is being litigated, however, it was his understanding that an occupational tax is currently available to counties and can be assessed.

Campbell stated the County Board has attended three seminars with River Oaks Communications Incorporation and it is their recommendation that the County enter into a temporary license agreement until the fees and taxes have been set forth. It is also their recommendation to clearly indicate to all companies involved that the license agreement is temporary and a permanent agreement will be entered into at a future date in which fees and taxes will be assessed.

MOTION: Hudkins moved and Steinman seconded to defer for one week the temporary license agreement with World Wide Fiber (WWF) of Des Moines, Iowa for installation of fiber optic cable on or across County rights-of-way beginning at the Seward County line on the west boundary in Lancaster County, on Waverly Road to continue west to 148th Street then south on 148th Street to Highway 6 to allow for further review and an update regarding occupation tax by the County Engineer and the County Attorney.

FRIENDLY AMENDMENT: Campbell requested that Tom Duchen and Tom Creighton with River Oaks Communications, Incorporated be contacted for any additional information.

ROLL CALL ON MOTION TO DEFER ONE WEEK: Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

By direction of the Chair, the original motion failed.

C. A supplemental agreement with L J Webb Contractor, Inc. changing 60 inch culvert pipe to 60 inch round equivalent culvert pipe, at an increased cost to the agreement of \$1,087.50. (19991564)

MOTION: Steinman moved and Workman seconded approval of a supplemental agreement with L J Webb Contractor, Inc. changing 60 inch culvert pipe to 60 inch round equivalent culvert pipe, at an increased cost to the agreement of \$1,087.50.

In response to a question asked by Heier, Larry Worrell, County Surveyor, explained that due to the design of the stream bed they need the round equivalent pipe to obtain sufficient cover.

ROLL CALL: Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

D. A grant contract for \$103,400 to establish an Office of Community Justice for women offenders. (199901568)

MOTION: Heier moved and Steinman seconded approval of a grant contract for \$103,400 to establish an Office of Community Justice for women offenders. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

E. A resolution adopting the 1999-2000 annual cost of living increase for certain unrepresented employees in the classified service. (19991367)

MOTION: Steinman moved and Workman seconded approval of Resolution 99-1367 adopting the 1999-2000 annual cost of living increase for certain unrepresented employees in the classified service. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

F. A request for the Planning Department to initiate a text change to the Lancaster County Zoning Regulations to provide for a moratorium against billboards in all zoning districts, to expire February 6, 2000.

Mike DeKalb, Planning Department, stated the City of Lincoln adopted a moratorium against billboards expiring February 10, 2000.

He explained that under "I" Industrial zoning off premise signs are allowed by right with no limitation on size, number or spacing and under "B" Business zoning off premise signs are also allowed, one for a premise up to 300 square feet. DeKalb stated there are ten areas identified within the County where "B" Business or "I" Industrial zoning exists.

DeKalb stated it is the recommendation of Planning staff to impose a similar moratorium within the County.

MOTION: Steinman moved and Heier seconded to request the Planning Department initiate a text change to the Lancaster County Zoning Regulations to provide for a moratorium against billboards in all zoning districts, to expire February 10, 2000. On call Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

G. Adoption of a policy designating the County Records Manager to be the liaison to the Lancaster County Board for all records management projects involving County records.

MOTION: Heier moved and Steinman seconded approval to adopt a policy designating the County Records Manager to be the liaison to the Lancaster County Board for all records management projects involving County records. On call Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

H. A final payment voucher, in the amount of \$208, to Midwest Mobile Homes for Rural Rehabilitation Loan Payment on behalf of Tracy Latture. (19991554)

By direction of the Chair, the item was deferred for one week.

I. A political subdivision tort claim filed against the Lancaster County Corrections Department by Eric S Harris, in the amount of \$150, for lost property. (19991563)

MOTION: Steinman moved and Hudkins seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Eric S Harris, in the amount of \$150, for lost property. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

5) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. A request from Sarah Kobel, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan. (19991549)

B. A maintenance agreement with Hewlett Packard, in the total amount of \$2,906, for a color inkjet plotter, beginning August 1, 1999 and ending July 31, 2000 and a printer, beginning October 1, 1999 and ending July 31, 2000 for the County Engineering Department. (Payments to be made quarterly.) (19991547)

Jim Langtry, County Engineering Department, appeared on Consent Item 5B. He explained that one of the plotters is older and the price of the maintenance agreement is excessive. The second plotter was purchased ten months ago for approximately \$10,000 and the maintenance agreement is \$2,400 a year. If service was needed and no maintenance agreement were in place, the hourly charge would be \$180 an hour, plus travel which runs between \$250 to \$350. Langtry stated one service call, without parts, could cost \$1,000. He stated he would like to continue maintenance on the second plotter for one year, but he would like to see if there are other options available.

Langtry requested that Consent Item 5B be withdrawn from the agenda.

MOTION: Steinman moved and Hudkins seconded approval of the request from Sarah Kobel, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan. On call Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

6) **OTHER BUSINESS:**

Mike Morosin, past president of the Malone Neighborhood Association, addressed his concerns regarding the emergency medical system and distributed written comments to the County Board (Exhibit A).

7) **ADJOURNMENT:**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. On call Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

Bruce Medcalf
County Clerk